Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 1 of

FILED

ONHAY 27 PM 2: 25

LANCES, WILSON

CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
WALKER RIVER PAIUTE TRIBE,) IN EQUITY NO. C-125-ECR) Subproceeding: C-125-B
Plaintiff-Intervenor,)))
vs.) REPORT OF THE UNITED STATES OF
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,) AMERICA CONCERNING STATUS OF) SERVICE ON CERTAIN PERSONS) AND ENTITIES
Defendants.)
	,

EXHIBITS 40 through 91

268

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 2 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 9/2/0

Printed Typed Name

If you are acting on behalf of any entity, identify that you are

Chief Civil

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOI attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
. 3	UNITED STATES OF AMERICA.)
4	Plaintiff,))
5	WALKER RIVER PAIUTE TRIBE.) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,) SUBFILE NO. C-125-B
7	VS.))
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,)))
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	I hereby enter my appearance in this sub	-proceeding in this case.
12	2. I am filing this document with the Distri	ct Court at the following address:
13	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	
	 In the envelope provided for return of m 	y Waiver of Service of Notice in Lieu of
::	Summons. I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of Americ	ca
20	United States Department of Justice Environment & Natural Resources Divis	
2:	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am action	ng) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
i	VOTES OF 1222120100 1100 7100000 00 7100000	grand and a

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 4 of

1	Attomey: Br	ian Chally ief Civil Deputy Dist	rict Attorney
2	Do	uglas County District	Attorney's Office
3	Address: Po	st Office Box 218 nden, Nevada 89423	
4	MI		
5			
6	Phone Number	r: 775-782-9803	
7	Fax Number:	775-782-9807	2011
8		-	
9		((Signature)
10			
11		-	Brian Chally
12		((Printed or typed Name)
13			
14		-	Douglas County, Nevada
	 	((Entity, if any, on whose
15			
			behalf you are appearing)
16			Post Office Box 218
		-	Post Office Box 218 Minden, Nevada 89423
16		-	Post Office Box 218 Minden, Nevada 89423 (Address)
1 11		-	Post Office Box 218 Minden, Nevada 89423
16		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
VO 00 1 00		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 1 10 15 0		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
6 I II II II O II		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
6 I B B O H 2		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 17 18 19 20 21 22 23		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 17 18 20 21 22 23 24		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 T T T T T T T T T T T T T T T T T T T		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 5 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/26/03

Signature T. CARRIC

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: ______ of _____ of

E.L.W. (Title) NOHES THE

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES I FOR THE DISTRICT (
3	UNITED STATES OF AMERICA.)
4	Plaintiff,)
5	WALKER RIVER PAIUTE TRIBE,) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,) SUBFILE NO. C-125-B
7	vs.)
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,) }
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I. I hereby enter my appearance in this su	h proceeding in this case
12	2. I am filing this document with the Dist	•
13	•	rict Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
16	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756	ision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	art except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of t	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
1		

Case 3:78-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 7 of

Attorney: 1 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 8 (Signature) 9 10 JAMES T. CARRICO 11 (Printed or typed Name) 12 13 ELW RANCHES INC. 14 (Entity, if any, on whose 15 behalf you are appearing) W. LIBERTY ST 165 16 126 HO : 7 (Address) 333-03 20 18 : 9 (Telephone number) 20 21 22 23 24 25 26 27 28

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 8 of

There is no EXHIBIT 43

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 9 of

EXIIIOII 4

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 11 o

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of

3	Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4	additional information:
5	1. The name and address of the party or parties who sold or otherwise conveyed
6	ownership:
7	Name(s): Street or P.O. Box: Town or City: Catholic Ca
8	Street or P.O. Box: Chuld Church 1, 78550
9	Street or P.O. Box:
10	Street or P.O. Box: 310 august 12 7832 March
L1 L2	Town or City:
L2	as here and ho
14	State: Las well own the conflict
15	has not seem at the
16	State: All purify and address of each percent as entire with acquired award time.
27	2. The name and address of each person or engity wife acquired awnership
8	ver 100 brilled
.9	Name(s):
20	and but I like the
21	Street or P.O. Box:
22	to i way on
23	all of the
24	Town or City:
5	Street or P.O. Box: Town or City: State: Zip Code:
26	State:
7	
	Zip Code:

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

Case 3 73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 12 of

_	
2	
3	3. Attached to or included with this notice is a copy of the (check appropriate
4	box(es)):
5	•
6	☐ Deed
7	☐ Court Order
8	☐ Other Document.
9	
10	by which the change in ownership was accomplished.
11	4. The undersigned acknowledges that any person or entity who files a Disclaimer
12	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14	in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15	this litigation.
16	$12 \qquad 1 \qquad 1 \qquad 2$
17	Executed this B day of MM 200 3
18	
19	
20	
21	
22	[signature of counter-defendant]
23	Tommos Turk
24	
25	
26	[name of counter-defendant]
27	ESTRECLA CATTLECO,
20	

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

Case 3 73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 13 of

1	,
2	
3	[name. if applicable, of person acting on
4	behalf of counter-defendant]
5	· · · · · · · · · · · · · · · · · · ·
6	
7	[signature, if applicable, of person acting on
8	behalf of Counter-Defendant]
و	
10	
11	
12	
13	
14	
15	[address]
16	
17	
18	[telephone number]
19	
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DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

	73. cv-00197 .	Filed AUN 1 3	1980	cume	Int 261	, 7548 Filed Veil Log	-05/27 /
Indexed	under			Journe		Vell Log	00/21/
Name of applicant	X						
Map	f	Basin East	+ Wa	Iker	Area	<u>-</u>	
Stream		9-10	9		<u> </u>	_	_
Township N	Range 285					County Mine	ecal
Point of diversion	SE 4 SW4 Section	n 9					
Applicant Est	rella Catt	te Com	oan	<i></i>			SSIGN
Source of Water	Abraham :	Socina					
Returned for corre		,)	Abı	rogated by	у		
Corrected applicati	on received						
Map filed June	13,1980						
Sent for publicatio	n SEP 2 2 1980						
Proof of publication	n filed NOV 3 1980						
Investigated on gro	und by						
Protested 11/6/80 U	s.s.Lm. Pro. 51	10xrule	4 8-	26-9	3 Sec	Ruling 4	1767
Ready for action	NOV 2 8 1980						
	ober 6, 1999	,	0.0	13/2		Stocker	attring
		-					
Denied							
Denied	PROOF OF COMMENCEMENT	PROOF COMPLET			OOF OF FICIAL USE	CULTURA	L MAP
		.4	TION	BENE		CULTURAL Y	L MAP
Date due 1st extension		COMPLET	TION	BENE	FICIAL USE	CULTURAL Y7/	L MAP
Date due		COMPLET	TION	BENE	FICIAL USE	CULTURAI Y7//	L MAP
Date due 1st extension		COMPLET	TION	BENE	FICIAL USE	CULTURAI	L MAP
Date due 1st extension		COMPLET	TION	BENE	FICIAL USE	CULTURAI Y7/	L MAP
Date due 1st extension 2nd extension		COMPLET	TION	BENE	FICIAL USE	CULTURAI Y7 //	L MAP
Date due 1st extension 2nd extension		COMPLET	TION	BENE	FICIAL USE	CULTURAI 77/	L MAP
Date due 1st extension 2nd extension		COMPLET	TION	BENE	FICIAL USE	77/1	L MAP
Date due Ist extension 2nd extension Date filed		NOV 0	TION	BENE	6 2002	77/1	L MAP
1st extension 2nd extension Date filed CERTIFICATE NO.		NOV 0	TION	HOV	6 2002	77/1	L MAP
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use	COMMENCEMENT	NOV 0	6 2001	HOV	6 2002	77/1	L MAP
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches,	DRESS: Inc.	NOV 0	6 2001	HOV	6 2002	77/1	L MAP
Date due Ist extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches, 165 West Lib	DRESS: Inc. erty	NOV 0	6 2001	HOV	6 2002	77//	9
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches,	DRESS: Inc. erty	NOV 0	6 2001	HOV	6 2002	77/1	CHECK
Date due Ist extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches, 165 West Lib Reno, NV 89	DRESS: Inc. erty	NOV 0	6 2001	HOV	6 2002	77//	9
Date due lst extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches, 165 West Lib Reno, NV 89	DRESS: Inc. erty	NOV 0	6 2001	HOV	6 2002	COMPUTER	CHECK
Date due lst extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AD ELW Ranches, 165 West Lib Reno, NV 89	DRESS: Inc. erty	NOV 0	6 2001	HOV	6 2002	COMPUTER File Entry	CHECK

. .

12.00 20.00 20.00 | 20.00 20

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 15 of the State of Nevada

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Abraham Spring, through a spring box, pipe and earthen pond for stockwater purposes. The point of diversion of water from the source is as follows:

SE's SW4 Section 19, T.11N., R.28E., M.D.B.4M., (unsurveyed), or at a point from which the SW commer of said Section 19, bears S. 87°09'17" W., a distance of 2,351.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Abraham Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

Surficei, P.E.

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of appropriation:

June 13, 1980

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 20 feet of 1 inch diameter pipe to an earthen stock watering pond where 1,800 head of sheep water within the SE4 SW4, Section 19, T.11N., R.28E., M.D.B.&M., being within the Gray Hills Allotment.

Note: Both U.S.G.S. and B.L.M. maps mislabel the source as Water Tank Spring.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

cmf/sb

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ame of applicant	X				
lap		Basin Eact W	alker Area	-	
tream	<u> </u>	9-109			
ownship N	Range 28 E		Cou	inty Mineral	
والمستعبرين والمستعبرين والمستعبر	NW 146W 14 Sectio	n 33			·
		le Company	/	ASSIGN	E
	Water Tank	•			
Returned for corr	ection	Ab	rogated by		
Corrected applica	tion received				
Map filed June	13,1980				
ent for publicati					
roof of publicati	on filed NOV 3 19	80			
nvestigated on gr					
rotested 11/6/80 U	salm Pro. ov	erruled 8-2	6-99 See Ri	Ming 4767	
				<i></i>	
	NOV 9 8 1000				
Ready for action	NOV 2 8 1980			//	
	NOV 2 8 1980	0.03	1/2 cfs	Stockwatering	•
Approved De	tober 6, 1999			Stockwatering	•
Approved De		PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	Stockwatering CULTURAL MAP	•
Approved L e	PROOF OF	PROOF OF	PROOF OF		•
Approved Decoming Denied	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	•
enied Date due st extension	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	•
enied Date due st extension	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	•
enied Date due st extension and extension	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	•
Opproved Secondary Date due Ist extension 2nd extension	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	
	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	•
Approved Denied Date due Ist extension 2nd extension	PROOF OF	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	• · · · · · · · · · · · · · · · · · · ·
Approved Denied Date due st extension 2nd extension Date filed	PROOF OF	PROOF OF COMPLETION MOV 0 5 2001	PROOF OF BENEFICIAL USE	CULTURAL MAP	

Permit No. 41 7 Certificate No. 16027 Book Page 16027

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 17 of the STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Water Tank Spring, through a spring box, pipeline and troughs for stockwater purposes. The point of diversion of water from the source is as follows:

NW4 SW4 Section 33, T.11N., R.28E., M.D.B.4M., unsurveyed), or at a point from which the SW corner of Section 31, T.11N., R.28E., M.D.B.4M., bears S. 79°45'54" W., a distance of 11,463.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Water Tank Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of appropriation:

June 13, 1980

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 1 inch diameter pipe to metal watering troughs where 1,800 head of sheep water within NEW NEW, Section 11: SEW SEW, Section 14: SEW SEW, Section 23: T.10N., R.27E., M.D.B.&M., and Lot 2 (NWW NEW), Section 6, T.10N., R.28E., M.B.D.&M., being within the Gray Hills Allotment.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

cmf/sb

No. 4152		Filed JUN 1 3 1980		~	(
Case Indexe	3-CV-00127-IVI	MD-WGC Do	cument 261054	R Fled 05/	27/04 Pa
Name of applicant	X				
Map		Basin East V	Valker Area	9-	
Stream		9-109			
Township N	Range 28 E.		Со	unty Miner	-al_
	SE 4NW4 Section			7.	***
Applicant Es	trella Cat	He Compa	any		
Source of Water	<u> Iwighlight</u> :	Spring			
Returned for corre	ection		Abrogated by		_
Corrected applicat	ion received			<u></u>	
Map filed June	000 000	nder 41527			
Sent for publication			<u></u>		
Proof of publication		0		· · ·	
Investigated on gro					
Protested 11/6/80 U	solm. Pro. ovi	erruled 8-21	0-99 See Ruli	ng 4767	
				<u> </u>	
Ready for action	NOV 2 8 1980				
	tober 6, 1999		03/2_	Stockwa	thing
Denied I	DD O C O C				
1	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL M	IAP
Date due		P NOV 0 6 2001	NOV 0 6 2002	71/4	
1st extension					
2nd extension					
	·				
Date filed					
<u> </u>					
	······································				
CERTIFICATE NO.		ISSUED	AMOUNT]	
Use	والمراجعية ومالتكريب المساولة والمراجعة				
	· · · · · · · · · · · · · · · · · · ·	ADDRESS CHAN	IGE		
CHANGE OF AD	DRESS:				
ELW Ranches, 165 West Lib	erty		9	COMPUTER	RHECK
Reno, NV 89 10-24-90	501			Rille Entry	100
				Rublication	
				Pennit	KE
			# 	Certificate	
				(B)(1.000	
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Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 19 of the STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Twighlight Spring, through a spring box, pipeline and troughs for stockwater purposes. The point of diversion of water from the source is as follows:

SE4 NW4 Section 28, T.11N., R.28E., M.D.B.4M., (unsurveyed), or at a point from which the SW corner of Section 31, T.11N., R.28E., M.D.B.4M., bears 8. $54^{\circ}10'17''$ W., a distance of 14,558.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Twighlight Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of

June 13, 1980

appropriation:

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 1 inch diameter pipe to concrete watering troughs where 1,800 head of sheep water within NW4 SE4, Section 27; NW4 SE4, Section 28; SW4 SW4, Section 29; NW4 NW4, Section 32; NW4 NE4, Section 35; T.11N. R.27E., M.D.B.&M., and SE4 SE4, Section 30, F.11N., R.28E., M.B.D.&M., being within the Gray Hills Allotment.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

cmf/sb

State Engineer

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2xhibit 42

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 21 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit

or to the jurisdiction or venue of the Co	ourt except for objections based on a defect in the Noti	ce in Lieu of
Summons or in the service of the Notice	ce in Lieu of Suparnons.	
Date: 5/28/e3	Signature Configuration Factoria	– V-
	Printed Typed Name	<u>~</u>)
	If you are acting on behalf of any entity, identify	that you are
	acting as:	of
	(Title)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 23 of Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) :9 (Telephone number)

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 24 o

	SUMI	SUMMARY OF OWNE		R RESOURCES OWNERSHIP	₽		
	!	Please retain this sheet on top of file	is sheet on to	p of file		Page 10	
CERTIFICATE: 4928	USE: ISSUED:	IRR 12-23-59	CFS:	2.01	DUTY: 91.28 AFA	60.85 AC	ACRES ACRES
REVIEW DATE: 5-11-99 BY:	RHZ	SUPPLEM	SUPPLEMENTAL TO:				/ .5=0 .
	!		APPURT.				-,v-
OWNER	CFS	DUTY AFA	ENANT	CHANGED BY:	REFERENCED	DESCRIPTION	UU.
DelStar Ranch	79.	87 <i>b</i> 7	0 0 0 0		66		7 - IV
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Charles N. Mathewson July 22, 1992 Trust	0.36	16.50	11.00		38)-WGC
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ENCUMBRANCE(S): YES () NO (X)							<u> </u>
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Exhibit 46

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 26 o

Name of applicant X Report No. 0-106	
Мар	
Stream /	
Field-Book X	
Township / ON R 23 E *	
NF 1/4 NW 1/4 Section 19	Douglas
Application filed AUG 5 1949	
Applicant Freeman E. Fairfield	COMPUTER CHECK
Source of water //nderground (Well #10)	
Returned for correction	File Entry (0/0)
Corrected application received	Publication (4.0
Sent for publication SEP 1 3 1949	Permit NO
Proof of publication filed 237 13 12/19	Cartificura
Investigated on ground by	
Protested Nov. 10, 1949 by Walker River Irri. Dist, et al. OV	BERULED 7/7/50 \$55
Ready for action	
Approved any 1,1950 for 23 Cof so for Iring	. & Sometice
Denied	
Withdrawn by applicant	
Canceled	
Well log filed	Due
Proof of labor filed NOV 3 0 1950 October 201959	une 25 195/ 1956
Map filed Aug 5 1949 under No 13009 2	1959 AST 1950
Proof of completion of work filed JUL 2 3 1951	my 25, 1952
Proof of beneficial use filed NOV 2 1959	125 195 1954
Certificate No. 44 28 issued 12/29/39for 2.010/21	959 175 /151
REMARKS for eine	g. Y close.
Novalin County sections Ext to Present Topics	Re-noted to FEB 12 200861
READORESS LIST	
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ABSTRACT OF TITLE

13013 (Cert. 4928)

PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

SE	1		7 3	-CV-		2		MN			ł		ume	ent	261	054	8 F	ilec	0	5/27
	DOCUMENT	DESCRIPTION/	REMARKS	G, B & S Deed			G, B & S Deed		G, B & S Deed		G, B & S Deed		QC Deed		QC Deed		QC Deed			Into Uniy: Deed of Trust
	00d	#	DATE	44302	5-1-69		44675	6-19-69	48631	7-7-7	51880	3-15-71	58113	3-9-72	59920	6-13-72	59921	6-13-72	Douglas Co.	3-8-76
	FILED	UNDER	DATE	12884	6-13-69		12884	6-13-69	12884	4-8-71	12884	4-8-71	12884	6-12-78	12884	5-18-78	12884	5-18-78		6-7-79
		ACRES		60.85			60.85		60.85		60.85		60.85		60.85		60.85		3	60.85
		AFA		91.28			91.28		91.28		91.28	ļ	91.28		91.28	-	91.28		3	97.16
		CFS		2.01			2.01		2.01		2.01		2.01		2.01		2.01		3	7.07
		GRANTEE		Joseph T. Banner,	Frank C. Bosler, Ron Kincade		Fairfield Ranches, Inc.		Walker River Development	Company	Grant & Co.		Walker River Development	Company	Joseph S. Ladato		Joseph S. Ladato		First American Title Co. of	Banner, executrix (76.63%) & Frank C Boeler (73.37%) hene
,		GRANTOR		Estate of Freeman E.	Fairfield, by Kenneth R. Davis, executor	Joseph T. Banner & Lauvella	M. Banner; Frank C. Boster &	Opal Shirley Bosler; Ron Kincade & Maryjean Kincade	Fairfield Ranches, Inc.		Walker River Development	Company	Grant & Co.		Walker River Development	Company	Walker River Development	Company		Joseph S. Ladato
		DEED	Ö.	-			7		က		4		5		9		2		. (0

04 Page 28 o

ABSTRACT OF TITLE

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	2 of 5	DOCUMENT DESCRIPTION/	REMARKS	Info Only:	Notice of Breach & Default	Info Only:	Amended Notice of Serence of Ser	Trustee's Deed	upon Sale	G, B & S Deed	;	info Only:	Deed of Trust	Bus. Suspended peco	of 7-1-82. See related documents in 35605.	QC Deed		Trustee's Deed O	Business Suspension // noted above.	
	PAGE	# 200	DATE	04099	10-20-76	04785	11-22-76	12163	8-19-77	49274	10-6-80	49276	10-6-80	Letter	5-5-99	55558	4-20-81	100058	4-25-84	
		FILED UNDER	DATE	12884	6-7-9	12884	6-2-9	12884	6-7-9	12884	11-30-93	12884	11-30-93	12884	5-7-99	13013	11-30-93	12884	11-30-93	
		ACRES		60.85		60.85		60.85		60.85		60.85		1		60.85		60.85		
Ų	mership form	AFA		91.3		91.3		91.3		91.3	:	91.3	2.5/	1		91.28		91.28		
	Summary of Ov	CFS		2.01		2.01	<u></u>	2.01		2.01		2.01		1		2.01		2.01		
ABSTRACT OF HILE	Please retain this sheet underneath the Summary of Ownership form	GRANTEE		First American Title Co.	of Nevada, trustee	First American Title Co.	of Nevada, trustee	Lauvella M. Banner, who acquired title as Lauvella T.	Banner (76.63%) & Frank C. Bosler (23.37%)	Horizon Land, Inc.		Title Insurance & Trust Co., trustee; Lauvella M.	Banner (76.63%) & Frank C. Bosler (23.37%), benef.	***************************************		Capital Mortgage &	Loans, Inc.	Lauvella M. Banner	(76.63%) Frank C. Bosler (23.37%)	
		GRANTOR		Joseph S Ladato, trustor		Joseph S Ladato, trustor		First American Title Co.	of Nevada, trustee	Lauvella M. Banner, who acquired title as Lauvella T.	Banner (76.63%) & Frank C. Bosler (23.37%)	Horizon Land, Inc.,	trustor	Horizon Land, Inc.,	defaultor	Horizon Land, Inc.		TICOR Title Ins. Co. of CA, formerly Title Ins. & Trust	Co., trustee; Horizon Land, Inc., defaultor	
		DEED	Ö.	63		9		-		12		13		4		15		. 91		

13013 (Cert. 4928), O 04 Page 29 o

ABSTRACT OF TITLE
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	DOCUMENT DESCRIPTION/	REMARKS	G, B & S Deed O	Business Suspension noted above.	QC Deed		Amended Order	Authorizing Sale	QC Deed		61 Info Only:	Amended Findings (F)	G, B & S Deed		G, B & S Deed	
	သ ရ	DATE	158055	7-10-87	171964	2-3-88	196495	2-17-89	196500	2-17-89	224441	4-23-90	216350	12-12-89	216351	12-12-89
	FILED	DATE	12884	11-30-93	13013	11-30-93	13013	11-30-93	13013	11-30-93	12884	11-30-93	13013	11-30-93	13013	11-30-93
	ACRES	Salves	60.85		1		ı		60.85		1		49.85		49.85	
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	SES	5	2.01		1		1		2.01		1	<u>.</u>	1.65		1.65	
	GRANTEE		Everett Temme &	Selena Temme	Ernest R. Frederick & Linda A. Frederick; Capital Mortgage & Loans, Inc.; Linda	Lodato Bartlett; Kenneth P. Steelburg & Cheryl Steelburg; Lincoln Nevada, Inc.	Everett Temme		Everett Temme		Everett Temme,	Plaintiff	The First American	Financial Corporation	A. H. Osterkamp, Jr.	
*	CRANTOR	NO N	Lauvella M. Banner	Frank C. Bosler & Mary Bosler	Douglas County, by	Barbara J. Reed, Treasurer	Capital Mortgage & Loan,	Inc., debtor Melvyn J. Coben, trustee	Capital Mortgage & Loan, Inc., debtor; and Horizon	Land Co., its alter ego; Melvyn J. Coben, trustee	Selena Temme	Defendent	Everett Temme		The First American	Financial Corporation
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04 Page 30 o

ABSTRACT OF TITLE

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13013 (Cert. 4928) 4 of 5

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- 1	DOCUMENT	BEMARKS	ĸ	Info Only:	Indiv. Grant Deed	27- :SiuO ojuj	Notice of Lis Pender	Info Only:	Cert. of Sale	Info Only:	Release of Notice of Lis Pendens	Info Only:	Release of Judgment Lien	l	!		Affidavit of ID	QC Deed	1
	သူ *	DATE	מאוני	238892	11-15-90	298361	1-28-93	298480	1-29-93	305770	4-28-93	305771	4-28-93	305772	4-28-93	Orig. Doc.	9-23-93	320989	10-25-93
	FILED	DATE	117	12884	11-30-93	12884	11-30-93	12884	11-30-93	12884	11-30-93	12884	11-30-93	12884	11-30-93	13013	11-30-93	13013	11-30-93
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	BUTTA	GKANIEE		Joe Fedele (20% int.)		Everett Temme,	Plaintiff	Everett Temme,	Plaintiff	Everett Temme,	Plaintiff	Selena Temme		Everett Temme		aka A. H. Osterkamp,	aka (Gus) Osterkamp, aka Anthony H. Osterkamp	A. H. Osterkamp	
	OCTUAGO	GKANIOR		Selena Temme		Joe Fedele,	Barbara Fedele, Fedelety Corp., Defendents	Selena Temme,	Defendent	Joe Fedele,	Barbara Fedele, Fedelety Corp., Defendents	Everett Temme		Joe Fedele, Barbara Fedele,	Fedelety Corp. Employee's Pension Fund, Inc.	Anthony H. Osterkamp. Jr.		Darlene O. Osterkamp	
	i i	DEED NO		24		25		56		27		78		29		99		31	

04 Page 31 o

ABSTRACT OF TITLE Please retain this sheet underneath the Summary of Ownership form

		ABSTRACT OF TITLE Please retain this sheet underneath the Summary of Ownership form	F TITL Summary of Ow	.E mership form			PERMIT PAGE	13013 (Cert. 4928) 5 of 5
DEED	GRANTOR	GRANTEE	CFS	AFA	ACRES	FILED) #	DOCUMENT C DESCRIPTION 2.
NO.						DATE	DATE	REMARKS C
32	A. H. Osterkamp	DelStar Ranch	1.65	74.78	49.85	13013	320990	G, B & S Deed
						11-30-93	10-25-93	
33	Everett Temme,	Nevada Title Co., trustee		!	<u> </u>	12884	318612	27- : squo ojul
	trustor	Joseph Sugarman, benef				11-30-93	9-27-93	ts
8	Everett Temme	Joseph Sugarman	1	-		12884	318613	D-\ \
						11-30-93	9-27-93	Option Agreement (expiration date 9/30/95)
35	Joseph Sugarman	Everett Temme	1	l		12884	361849	Info Only: Release &
						11-20-98	5-10-95	Termination of OOptions
36	Joseph Sydamian.	Everett Temme	ŀ	1		12884	0446771	Info Only:
	Successor Trustee & Beneficiary					11-20-98	8-10-98	Deed of Reconvey. of D of Tr #318612
37	J. R. Hildebrandt,	Everett F. Temme, aka		1	:	12884	Orig Doc.	61(tuto Ouly:
	Affant	Everett Temme		_		66-2-5	66-5-5	Offidavit of 10
38	Everett F. Temme	Charles N. Mathewson	0.36	16.5	11.0	12884	0443626	Water Rights T
		July 22, 1992 Trust				8-21-98	7-6-98	OC Deed OC
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								27/
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Ca	ase 3:7	3-cv-	-0012	-MMD	-WGC	Docum	ient 26	10548 I	Filed 05	/27/04	Page 32
·	1 OF 1 ACRES ACRES		2								
	Page 68.59		DESCRIPTION								
<u>-</u>	DUTY: AFA DUTY: 274.36 AFA		REFERENCED DOCUMENTS	29							
STATE OF NEVADA BIVISION OF WATER RESOURCES SUMMARY OF OWNERSHIP	p of file 2.23		CHANGED BY: STATUS								
DIVISION OF WATER RESOURCES	nis sheet on to CFS: CFS:	SUPPLEMENTAL TO:	APPURT. ENANT ACRES	68.59							
BIVISION OF	Please retain this sheet on top of file IRR CFS: 2.12-23-59 CFS: 2.	SUPPLEA	DUTY AFA	274.36							
SUMI	USE: ISSUED:	RHZ	CFS	2.23							
	PERMİT: 12885 CERTIFICATE: 4927	REVIEW DATE: 5-11-99 BY:	OWNER	Charles N. Mathewson July 22, 1992 Trust						ENCUMBRANCE(S): YES () NO (X)	ונפפל אנב

Case 3:73-cv-08127-MMD-WGC Document 2610548 Filed 05/27/04 Page 33 o

Indexed under		
Name of applicant Y Report No.	· · 	~ _ - ~
Map Aniels	pe Valley	
Stream		
Field Book		
Township 10 N., R. 22 E		
SE 1/4 NW 1/4 Section 25		Dougla.
Application filed APR 25 1949		
Applicant Freemon E. Fairfield	५५७ १५	
Source of water Underground		
Returned for correction		
Corrected application received	च्चा विकास स्थापना है। 	THECK
Sent for publication MAY 1 8 1949	File Entry	1200
Proof of publication filed JUN 25 1949	Publication	Sec. 1
Investigated on ground by	Parmit	- CAU
Protested	Certificate	المحق ا
Ready for action		
Approved Sept 9, 1949 for 5.0 c. fa. jar.	Ivagation 4	Donesh
Denied		
Withdrawn by applicant		
Canceled		
Weil log filed	Nue	
Proof of labor filed JUN 6 1950	June	1950
Map filed May 10, 1940 Groval MAP FILED. October 10, 195	9 June 3	199
Proof of completion of work filed JUN 4 1952	June 2	1952
Proof of beneficial use filed NOV 2 1959	y-1459	1954
Certificate No. 4927 issued 12/23/59/2223	exercining	. rdom
REMARKS		
Daughan COUNTY ASCORDS TO TO THE TOTAL TO	PER CENTED TO	FEB 12 2000
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Tot Water and Burns		
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Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 34 of

OWNER OF RECORD:

Charles N. Mathewson, July 22, 1992 Trust 9205 Prototype Drive Reno, NV 89511 5/99

NEW ADDRESS FOR AGENT THIEL ENGINEERING CONSULTANTS 500 DAMONTE RANCH PARKWAY #1056 RENO NV 89511 PER TEC 8/31/00 KG

		ABSTRACT OF TITLE Please retain this sheet underneath the Summary of Ownership form	F TITL Summary of Ow	H Inership form			PERMIT	12885 (Cert. 4927)	S ase
DEED	GRANTOR	GRANTEE	CFS	AFA	ACRES	FILED	DOC #	DOCUMENT DESCRIPTION/	3.7
<u> </u>	Estate of Freeman E. Fairfield, by Kenneth R.	Joseph T. Banner, Frank C. Bosler,	2.23	274.36	68.59	12884 6-13-69	44302	G, B & S Deed	3-cv-00
8	Joseph T. Banner & Lauvella M. Banner; Frank C. Bosler & Opal Shirley Bosler; Ron Kincade & Maryjean Kincade	Fairfield Ranches, Inc.	2.23	274.36	68.59	12884	44675 6-19-69	G, B & S Deed	127-MN
e e	Fairfield Ranches, Inc.	Walker River Development Company	2.23	274.36	69.59	12884	48631 7-7-70	G, B & S Deed	ID-WG
4	Walker River Development Company	Grant & Co.	2.23	274.36	68.59	12884	51880 3-15-71	G, B & S Deed	C Doci
ς.	Grant & Co.	Walker River Development Company	2.23	274.36	68.59	12884	58113 3-9-72	QC Deed	iment :
9	Walker River Development Company	Joseph S. Ladato	2.23	274.36	68.59	12884 5-18-78	59920 6-13-72	QC Deed	
	Walker River Development Company	Joseph S. Ladato	2.23	274.36	68.59	12884 5-18-78	59921 6-13-72	QC Deed	8 Filed
- α	Joseph S. Ladato, trustor	First American Title Co. of Nevada, frustee; Lauvella T. Banner, executrix (76.63%) & Frank C. Bosler (23.37%), benef	2.23	274.36	68.59	12884 6-7-79	Douglas Co. 87682 3-8-76	Info Only: Deed of Trust	05/27
1288	12884.XLS								

04 Page 36 o

ABSTRACT OF TITLE Please retain this sheet underneath the Summary of Ownership form

		ABSTRACT OF TITLE	FTITE	пi			PERMIT	12885 (Cert. 4927)	C
		Please retain this sheet underneath the Summary of Ownership form	Summary of Ow	mership form			PAGE	2 of 4	ase
DEED	GRANTOR	GRANTEE	CFS	AFA	ACRES	FILED	# DOC	DOCUMENT DESCRIPTION/	3:
Q.						DATE	DATE	REMARKS	73
6	Joseph S Ladato, trustor	First American Title Co.	;	;		12884	04099	Info Only:	-CV-
						6-7-79	10-20-76	Notice of Breach & Default	
5	Joseph S Ladato, trustor	First American Title Co.	ı	1	1	12884	04785	Info Only:	27-
•		of Nevada, trustee				6-7-79	11-22-76	Amended Notice of Breach & Default	· <mark>M</mark> N
=	First American Title Co.	Lauvella M. Banner, who acquired title as Lauvella T.	2.23	274.36	68.59	12884	12163	Trustee's Deed	ID-\
	of Nevada, trustee	Bosler (23.37%) & Frank C. Bosler (23.37%)				62-2-9	8-19-77	upon Sale	NG
12	Lauvella M. Banner, who acquired title as Lauvella T.	Horizon Land, Inc.	2.23	274.4	68.59	12884	49274	G. B. & S. Deed	C
	Bosler (76.63%) & Frank C. Bosler (23.37%)					11-30-93	10-6-80		oc
13	Horizon Land, Inc.,	Title Insurance & Trust Co., trustee, Lauvella M.	1	ŀ	•	12884	49276	Info Only:	μme
	trustor	Banner (76.63%) & Frank C. Bosler (23.37%), benef.				11-30-93	10-6-80	Deed of Trust	ent :
4	Horizon Land, Inc.,			:	}	12884	Letter	Bus. Suspended pe	<mark>2,6</mark> %
	defaultor					5-7-99	9-5-99	of 7-1-82. See related documents in 35605	Q5 4
,	TICOR Title Ins. Co. of CA,		c c				000	Trustee's Deed	8
<u>ი</u>	Co trustee: Horizon land	Lauvelia m. Banner (76.63%)	2.23	2/4.4	68.59	11-30-93	100058	100% conveyed due to	Fil
	Inc., defaultor	Frank C. Bosler (23.37%)						noted above.	ed
9	Lauvella M. Banner	Everett Temme &	2.23	274.4	68.59	12884	158055	G, B & S Deed O	05
	Frank C. Bosler & Mary Bosler	Selena Temme				11-30-93	7-10-87	Business Suspension	<u>/2</u> 7
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		ABSTRACT OF TITLE Please relain this sheet underneath the Summary of Ownership form	F TITL Summary of Ow	nership form			PERMIT PAGE	12885 (Cert. 4927) 3 of 4	Cas
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17	Selena Temme,	Everett Temme,		1	1	12884	224441	Info Only:	-01/-
	Defendent	Plaintiff				11-30-93	4-23-90	Amended Findings of Fact & Concl of Law	<u> </u>
8	Selena Temme	Joe Fedele (20% int.)	;		;	12884	238892	Info Only:	27.
						11-30-93	11-15-90	Indiv. Grant Deed	.\/\/
19	Joe Fedele,	Everett Temme.	ŀ	t	1	12884	298361	Info Only:	ו-ח
	Barbara Fedele, Fedelety Corp., Defendents	Plaintiff				11-30-93	1-28-93	Notice of Lis Pendens	MG
20	Selena Temme.	Everett Temme.	:	:	:	12884	298480	J :AluO oJul	C
	Defendent	Plaintiff				11-30-93	1-29-93	Φ	Oci
21	Joe Fedele.	Everett Temme.		1	1	12884	305770	Info Only:	ımı
	Barbara Fedele, Fedelety Corp. Defendents	Plaintiff				11-30-93	4-28-93	dice as	nt
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77	Everett lemme	Selena lemme	ì	l	:	11-30-93	305//1	Into Only: Release of	10
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23	Joe Fedele, Barbara Fedele	Everett Temme	;	!	1	12884	305772		R F
	Fedelety Corp. Employee's					11-30-93	4-28-93		-ile
24	Everett Temme	Nevada Title Co. trustee		17.7		12884	318612	Oulv.	1 05
	trustor	Joseph Sugarman, benef				11-30-93	9-27-93	st	/27
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	PFRMIT	CERTIFICATE	REVIEW DATE:		, B	Charles N. Mathewson July 22, 1992 Trust										ENCUMBRANCE(S): YES () NO (X)		
		CERT			OWNE	Charle Trust										ENCE		12884 XI S
	ā	CERTIF	E		OWNER	Charles										ENCUM		

Case 3:73:02/8004 27:10MD-WGC Document 2610548 Filed 05/27/04, Page 39 of Indexed under Name of applicant Report No. Stream . Field Book Township 10N, R22E Jouglas Application filed APR 28 1949 Source of water //nderground Returned for correction COMPUTER CHECK Corrected application received Sent for publication (Del) File Entry Proof of publication filed JUN 25 1940 Die Publication Investigated on ground by Permit Certificate Protested Ready for action 4. 9. 1949 for 5.0 Cf. s. for Irrigation Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed NOV 3 0 1950 Map filed May 10, 1949, Curtural Map Fresh Proof of completion of work filed Proof of beneficial use filed JUL 3 0 1958 BO FUNTHER E. LISICA Certificate No. 4834 issued/2/10/57 4:0 2.228c ے) مارہ برا ریکس پرد

Case 3:73-cv-00127-MMD-WGC Document 2610548 Filed 05/27/04 Page 40 of

OWNER OF RECORD:

Charles N. Mathewson, July 22, 1992 Trust 9205 Prototype Drive Reno, NV 89511 5/99

NEW ADDRESS FOR AGENT THIEL ENGINEERING CONSULTANTS 500 DAMONTE RANCH PARKWAY #1056 RENO NV 89511 PER TEC 8/31/00 KG